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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,675	01/05/2000	Cheol Sheong Lee	P-068	9575

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/29/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/477,675

**Applicant(s)**

LEE, CHEOL SHEONG

**Examiner**

Vincent F. Boccio

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Election With Traverse**

1. Applicant's election with traverse of previous election in the reply filed on 5/10/04 is acknowledged. The traversal is on the ground(s) that,

"the multiple embodiments are sufficiently related, therefore, the conclusion is the search and examination can be accomplished without serious burden".

This is not found persuasive because the primary examiner does not agree with the opinion, that there does not exist serious burden on the examiner.

Further applicant had failed to state the embodiments are obvious variations, with respect to one another.

Since multiple distinct inventions represented by flow charts such as Figs. 4-6, there is serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

**Response to Arguments**

2. Applicant's arguments with respect to amended claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Browne et al. (PCT/WO 92/22983) and Greenburg (US 4,258,385), as applied and further in view of Matthews, III et al. (US 6,025,837).

The rejection of claims 1-5, are incorporated by reference from the last action, as recited herein.

Regarding amended independent claims 1, 3, 5 and 10-12, the combination as applied fails to meet the limitations, as recited:

"wherein the communication means, **transmit IP address data and receive program information data**" and wherein the IP address data corresponds to a homepage of a broadcasting station", as recited in claims 10-12.

Matthews teaches with respect to Fig. 1, "communication means 32", and Fig. 2, "broadcaster home page URL, cbs, nbc, fox", thereby providing program information to a user thru a network with an address, associated with and meeting the limitation of a broadcasting station homepage, thru a URL, wherein according to col. 12, "NBC webpage ... initiate a routine which will record a program", as taught by Matthews.

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Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by utilizing an address {such as a URL} to obtain program guide information, from a broadcasting station homepage, thru a communication network, as taught by Mathews in order to facilitate the reception or to obtain EPG data, either for viewing or recording purposes, as suggested Matthews.

It is noted that the IP address is not the same as a URL address, but, as suggested by Matthews col. 8, lines 64-, "The target can be hyperlinks, URLs or any other designation for referencing a location containing supplemental content", as further taught by Matthews.

The examiner further takes official notice that the URL is understood as an indirect address that is converted or modifies to the corresponding the IP address, or wherein the IP address is a direct address, while the URL is an indirect address, that is converted, thru such as a lookup table to the IP address, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by utilizing a IP address -vs- a URL address, being considered to be an obvious functional equivalent to utilize an IP address -vs- a URL address, as would have been obvious to those skilled in the art at the time of the invention.

#### Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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**Contact Fax Information**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication  
intended for entry)

or:

(703) 308-5359, (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT" )


Hand-delivered responses should be brought to  
Crystal Park II, 2121 Crystal Drive, Arlington,  
VA., Sixth Floor (Receptionist).

**Contact Information**

1. Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.  
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the  
status of this application should be directed to  
Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent  
7/24/04

  
VINCENT BOCCIO  
PRIMARY EXAMINER